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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAMM STERLING, JR., Petitioner, v. JOSIE GASTELO, Respondent.	No. 2:21-cv-0632 WBS CKD P <u>ORDER</u>
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Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 4, 2021, the magistrate judge filed findings and recommendations herein which were served on petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed May 4, 2021, are adopted in full;
2. Petitioner's petition for a writ of habeas corpus is dismissed without prejudice; and
3. The court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253.

Dated: May 28, 2021



WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE

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